

## REMARKS

This Application has been reviewed in light of the November 12, 2009 Final Office Action. At the time of the Final Office Action, Claims 17-36 were pending. Claims 1-16 were previously cancelled without prejudice or disclaimer. In the Final Office Action, Claims 17-36 were rejected. Claims 17-19, 23, and 29-36 are currently amended. Applicants respectfully request reconsideration and allowance of all pending claims.

### Claim Objections

Claims 32-36 were objected due to claim dependency issues caused by clerical errors. Applicants have amended Claims 32-36 to correct these clerical errors.

### Rejections under 35 U.S.C. §103

Claims 17-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0028049 filed by Ernest Yiu Cheong Wan ("*Wan*"), and further in view of non-patent document entitled "An Overview of the MPEG-7 Description Definition Language (DDL)," by Jane Hunter ("*Hunter*").

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Applicants respectfully submit that *Wan* and *Hunter* do not teach all limitations of the amended claims. In the Final Office Action (pp. 13-14), the Examiner wrote:

9. With regards to the independent claims, the applicant argues in page 8 of applicant remarks that "contrary to the prior art which stores textual content by assigning it to a respective node and storing the actual textual content in a lower hierarchical plane, the present invention treats textual content as a node". However, the examiner respectfully points out that the applicant is requiring the encoding of textual content from the *instance of the document* to be a node. Yet, the claim language only requires that textual content be encoded as an element, but does not require the extent of the textual content, as being the textual content from the *instance of the document*

nor does the claim language require the content encoded as an element be a *structural element*. Thus, since as explained in the explanation above, Wan teaches that the schema/structure of the document *from the schema* is encoded, the *structural elements in textual content form* are used for encoding (Fig 1 of Wan: whereas <TD> is text from a schema, which is encoded as an element). To best expedite this application, the examiner suggests the applicant clarify the claim language to explain that the textual content being encoded is *the textual content from the instance of the document*, and also that the *textual content* from the instance of the document is from *the text appearing between elements and their children* (i.e., non-structural text within the instance of the document) is stored *within a structural node*. Should the applicant have any questions regarding this suggestion, the Examiner respectfully invites the applicant to call for an interview.

Although Applicants believe the claims as previously written were allowable over *Wan* and *Hunter*, Applicants have amended the independent claims as suggested by the Examiner in the passage copied above. For example, amended Claim 17 recites (with the portions relevant to the Examiner's suggestions highlighted):

17. A method for encoding an XML-based document having content including a mixed element that is an instance of a complex data type with a mixed content model, the mixed element including one or more XML elements and separate textual content, according to an XML schema language definition, said method comprising the steps of:

generating a coded binary representation of the document by assigning binary structure codes to the contents of the document via code tables,

wherein the mixed element of the XML-based document comprises a parent node having a binary structure code and in a first hierarchical plane below said parent node a plurality of element nodes having binary structure codes, and

wherein *at least a portion of the textual content of the mixed element of the XML-based document is encoded in a node in the first hierarchical plane as an element having an associated binary structure code.*

Independent Claims 23, 29, 30, and 31 recite similar limitations to those highlighted above.

Thus, the amended independent claims recites an XML document including an instance of a mixed element that includes *one or more XML elements* and *separate textual content*. Thus, the claim now explicitly recites that the “textual content” being encoded in a node (and assigned a binary structure code) is text from an instance of an element of the XML document itself, and separate from the XML elements (e.g., child elements) of the mixed element, which limitations are supported, for example, in the element instance shown in Applicants’ Figure 3. Thus, as suggested by the Examiner, the “textual content” discussed in the claims is now clearly distinguished from both (a) “textual content” in an XML schema, and (b) any “textual content” within the XML elements (e.g., child elements) of the mixed element.

*Wan* and *Hunter* do not teach these features, as previously discussed by Applicants.

For at least these reasons, amended independent Claims 17, 23, and 29-31 are allowable over *Wan* and *Hunter*. Thus, Applicants respectfully request reconsideration and allowance of amended independent Claims 17, 23, and 29-31, as well as all claims that depend therefrom.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants authorize the Commissioner to charge \$810.00 to Deposit Account 50-4871 for the filing of a Request for Continued Examination (RCE) Transmittal (attached hereto). Applicants also authorize the Commissioner to charge \$130.00 to Deposit Account 50-4871 for a One-Month Extension of Time (petition attached hereto).

Applicants believe there are no other fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,  
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